

REMARKS

Applicant respectfully requests reconsideration of the subject application as amended. In response to the Office Action mailed 1/11/05, Applicant is filing this amendment. Claims 1-3, 5-15, 17, 18 and 20 are still pending.

In the Office Action mailed 1/11/05, the Examiner has rejected claims 1-3 and 10-20 under 35 U.S.C. §103(a) as being unpatentable based on a various combinations of Hathaway (U.S. 6,536,024), Piazza (U.S. 6,393,579), Alexander et al. (U.S. 5,539,681) and Nakano (U.S. 4,797,849). However, the Examiner has noted that claims 4-9 are objected to as being dependent upon a rejected base claim, but contain allowable subject matter.

Applicant submits that the independent claims 1, 15 and 20, as amended, now contain allowable subject matter noted by the Examiner. Claims 1, 15 and 20 recite a counter which is initialized to count a latency value of an instruction at issuance and a control signal that controls clock gating responsive to the latency value. These aspects of the claimed embodiments of the invention are not disclosed in the four references cited for the rejection. Accordingly, Applicant submits that pending claims 1-3, 5-15, 17, 18 and 20 are in condition for allowance and requests the Examiner to withdraw the 35 U.S.C. §103(a) rejection.

Accordingly, Applicant solicits the Examiner to allow pending claims 1-3, 5-15, 17, 18 and 20.

Furthermore, the Examiner has cited Nakano, but failed to list Nakano as one of the cited references on PTO-892. Applicant requests for the Examiner to issue a subsequent PTO-892 listing the Nakano reference, so that Nakano will appear on the cover page of an issuing patent, if and when this case is allowed.

If there are any fee shortages related to this response, please charge such fee shortages to Deposit Account No. 50-2126.

Respectfully submitted,

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